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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S
RULING NO. C99-1/7

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Complaint on Post E.C.S.

Docket No C99-1

PRESIDING OFFICER'S RULING
CERTIFYING APPEAL OF PRESIDING
OFFICER'S RULING NO. C99-1/3

(July 19, 1999)

On July 14, the Postal Service submitted a request that I certify an appeal of certain aspects of my Ruling No. C99-1/3 for consideration by the full Commission. Specifically, the Service takes exception to two procedural facets of the ruling, arguing that it should have identified what issues would be addressed in any subsequent phase of this proceeding,¹ and should also have declared that the form of the Commission's determination of the threshold "postal" versus "non-postal" issue would be a Recommended Decision.

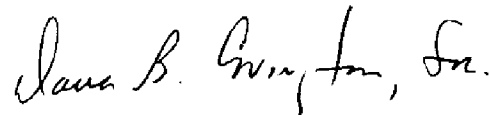
The Postal Service argues that the ruling satisfies the criteria for certification of appeals specified in section 32(b) of the rules of practice [39 C.F.R. § 3001.32(b)], inasmuch as it "involves an important question of law or policy concerning which there is substantial ground for difference of opinion," and "subsequent review will be an inadequate remedy." I concur. The proper scope of the issues to be considered in this proceeding, and the form of Commission action to decide its outcome, are significant

¹ In response to the Service's request that the scope of the proceeding be limited to the issue of whether Post E.C.S. is a "postal" service, and in view of Complainant's lack of opposition to considering this threshold issue first, my ruling directed that the procedural schedule in this case be phased, with an initial focus on the "postal" issue and any facts germane thereto. P. O. Ruling No. C99-1/3 at 3, 7.

legal questions, and continuing grounds of disagreement among the parties. Clarifying these matters now through an appeal "will materially advance the ultimate termination of the proceeding[.]" as § 32(b)(ii) provides. Accordingly, I shall certify these matters for the Commission's consideration on appeal.

RULING

The United States Postal Service Request for Certification of Presiding Officer's Ruling No. C99-1/3, filed July 14, 1999, is granted.

A handwritten signature in cursive script, reading "Dana B. Covington, Sr.", written in black ink.

Dana B. Covington, Sr.
Presiding Officer